

Indian Policy Advisory Committee  
April 10, 2008

Present: See sign in sheet.

Liz Mueller welcomed the membership. Gwen Gua led the invocation and the IPAC Delegates and other attendees introduced themselves.

Children's Administration (CA)  
*Cheryl Stephani, Assistant Secretary*

Partners for our Children: Cheryl introduced Mark Courtney, Executive Director of "Partners for Our Children", which aims to make positive changes in the child welfare system. DSHS partners with the University of Washington (UW) School of Social Work in this project. More information is at the website, [www.partnersforourchildren.org](http://www.partnersforourchildren.org).

The project goal is to help the child welfare community become more of a learning community. Mark's priorities in working with the Children's Administration are to implement the solution based practice model, foster parent recruitment and retention, engagement of birth families in the child welfare process, family reunification, and placement mobility.

The project considers the needs of families and children, and identifies services they receive. With this information the project will develop evidence based and evidence informed practices. They will also work with CA on foster parent support.

Partners for our Children is a long term project, expected to last at least seven years. Cheryl said she was exciting to have the caliber of help at the University and with Mark, saying he's done excellent research and is very accessible.

Mark wants Tribal participation and asked for ideas about how best to achieve that. He invited Tribes to contact him at 206-221-3100. Marilyn S. asked if Mark is not able to meet with tribes individually, that he arrange to meet with groups of tribes in each region. IPSS staff can help arrange the meetings.

Lawrence later described a case when he served on the LICWAC committee in the 1970s, and wondered what happened to the studies of the Native children who were adopted out. He suggested the University of Washington inform the Superior Courts of the outcomes of their study.

ICW Summit: Cheryl reported that most people who turned in evaluations rated the conference highly. There were 307 participants, more than last year. Cheryl thanked everyone who helped plan and execute the conference.

Cheryl discussed with Liz having regular meetings with Regional Administrators and the Children's IPAC Subcommittee to help build a stronger partnership. In light of the

quality assurance review, the information it revealed, and the need to implement the plans to correct some of the gaps in services to children, Liz stated the need for the Children's Subcommittee to meet with all of the RAs, not just those in their own region.

Cheryl discussed the subcommittee that is working on disproportionality, which is charged to determine if disproportionality exists and to develop remediation plans if it does exist; their initial report is due in June. The preliminary data shows that for Native American children, the CPS referral rate is three times as high as for Caucasian children.

At each decision point, the committee is to craft strategies to address it. Liz, who co-chairs the committee, wants to address IPAC with the results to discuss potential next steps. The report is due to Secretary Arnold-Williams June 1. Cheryl will forward the report as early as possible.

Marilyn S. stated the need to get the information to tribal leaders so they can assist with work plan. She spoke of the need to consolidate the information from both the ombudsman report and the disproportionality report. Helen echoed the need to inform Tribal leaders prior to any meetings in order to get the right people there.

There also needs to be a conversation about the high number of children from out of state who are in placement in Washington foster homes, and their need to receive the same benefits as in-state children. Colleen has a request in to ATNI to share information there. She will let Liz and Cheryl know when she gets a response.

The next disproportionality meeting will be at the N.A.T.I.V.E. Project in Spokane May 14. The Disproportionality Symposium will be June 26-27 in Seattle; Liz will get the information to us.

IPAC has asked each subcommittee to name their top two priorities; Children's are disproportionality and implementation of the ombudsman report's corrective actions.

The Centennial Accord will be June 10 at Great Wolf Lodge. Marilyn S. asked if the group wanted to meet prior to the Accord. Colleen is communicating with GOIA about our input; the Tribes have mentioned a variety of disproportionality issues.

Liz thanked Cheryl for coming and for her openness and willingness to work with the tribes.

#### CPS Data

Dana Matthews from Samish Nation Tribal Council presented data about the ratio of notifications from CPS to the number of actual CPS contacts with Samish children. Rebecca Peck noticed Samish Nation wasn't getting foster placement information from CA, so she worked with Randy Hart, RA, to develop a process to get the data. She received permission from Tribal Council to provide the names of the children aged 0-18

to CPS. Improvement has already begun. Dana and Rebecca thanked Randy Hart for his work.

Other tribes are considering following suit. Cheryl said she will see that the other RAs are prepared to share information. Cheryl thanked Rebecca for her work, and Dana reiterated the importance of getting the referrals early.

Nancy Dufraine said now is an important time to look at the Tribal/State partnership. Children's Administration is working to improve data in the new system that will replace CAMIS. The data parallels the results from the case review, as well as the information from the data gathered for disproportionality studies. We currently identify 60-65 % of Native families in the system as Native. The new system might hasten the review process but will still rely on inputting current information. Cheryl said one complication is when the information is not already in the system, the referral won't be properly handled. Dana's response is to get the families to give the information from both sides of the family.

Helen asked for Cheryl's help to facilitate a meeting with the Region 3 Administrator and the Tribe. Cheryl said she has already addressed this.

PGST has experienced state workers not wanting to accept their foster parent training when transferring licenses from the Tribe to the State's purview. Marilyn O. asked Cheryl to remind licensors the training was certified by the state and should be accepted, to which Cheryl agreed.

Marilyn S. discussed a conversation with CA around background checks. The issue arises in potential foster homes when a family member might not have a criminal history with state or county law enforcement, but has a record in Tribal Court. The question is how to relay the Tribal Court information to the background check unit.

Upper Skagit Tribe has entered into an agreement with the county to share information with the local sheriff. The agreement goes both ways, as tribal law enforcement needs to get information about people who enter the reservation, too. However, the agreement does not give access to Washington State Patrol (WSP), so the question remains how the background check unit will get complete information, including that from Tribal Courts. Cheryl said the issue needs to go to the subcommittee, and background check unit staff should be included in the work.

Phil Ambrose said the Adam Walsh bill addresses this, with the goal to have information systems shared by 2009. Liz said the Tribes that sent in their resolutions to take jurisdiction of their data will receive training soon. Two people from each affected tribe will be trained.

#### Roll Call

Jennifer La Pointe called the roll; a quorum was present.

## Budget

*Stan Marshburn, Chief Financial Officer*

Liz introduced Stan, who discussed the DSHS budget process. Budget need lists are due to the Office of Financial Management (OFM) by Labor Day; DSHS plans to submit theirs by August 29. Stan has asked the Administrations to submit their final list of budget needs by mid July. Now is the time for the Tribes to let the administrations know what they need.

The budget process never stops, and the best way to influence the budget is to participate in the planning. Stan said for the last biennium the DSHS budget was successful, largely due to being clear about the priorities.

Chris Trujillo discussed the strategic planning process and provided a handout with a timeline for various activities in the budget process. IPSS will help develop a process to review IPAC's plan, which should be submitted to Secretary Arnold-Williams by June 13. Cheryl said because the plan is submitted to the Secretary, there will be some defacto placeholders for certain items. Cheryl is putting a placeholder in the CA budget for disproportionality work, for example.

Liz asked Nancy to put the budget issues on the agenda for the May 14 Children's Subcommittee meeting; she also requested the two top priorities from each subcommittee. May 14 is also the date for the disproportionality meeting in Spokane, so Nancy asked to either move the May meeting up a week or discuss this in June. Liz suggested deciding by email tomorrow whether to move the meeting to May 7 or the discussion to June.

Marilyn O. asked Stan about HRSA's plan to put the non-Indian encounter rate in the budget; Stan said he knows Assistant Secretary Doug Porter intends to include it.

## Aging and Disability Services Administration (ADSA)

*Bill Moss, Director, Home and Community Services (HCS)*

Bill discussed the legislative results for ADSA clients. Under HB 2668, the Long Term Taskforce bill, Governor Gregoire approved \$4 million in new services. Other successes include:

- HCS APS can now conduct fatality reviews to show what happened in the client's life prior to death and how things could have happened differently regarding department policy and procedures.
- Delegation of insulin injections will allow a delegated family member to provide the injections in the individual's home.
- The Senior Falls Prevention Program includes training supports for caregivers for people with challenging behaviors who live in boarding homes and adult family homes. It provides a complete caregiver assessment tool and additional money for respite.

- The medically needy income level rose to 80% and the need to spend down is eliminated in January 2009.
- Protects residents of boarding homes from businesses that want to move people on Medicaid out in favor of people who private pay; it allows people to age in place.

The caregiver training bill did not pass. Some items the passages will provide include, at the policy level, nutritional program vouchers, patient navigator and help for grandparents, as well as in home support and therapies for up to 100 families for children with developmental disabilities.

ADSA held its first quarterly meeting with the AAAs and the Tribes; the next one is scheduled for June 9, and the next will be September 9.

Bill asked the delegates if they want to address people convicted of felony level crimes in Tribal Courts, which don't show up on background checks. The response was to leave it up to individual tribes. Blake explained the DSHS Central Background Check Unit is working to standardize the list of crimes for which one is disqualified to be a DSHS provider for vulnerable adults and children. He asked how to capture the information from Tribal Courts know who should be licensed to provide services.

Marilyn S. suggested Tribes could work within regions with their IPSS Managers, and then with Headquarters. Various tribes have working agreements with Adult Protective Services (APS) in lieu of Tribal Codes. She suggested Tribes could work the background check into the agreement with APS. Jennifer pointed out the problem of individuals with tribal court convictions in tribes other than their own. Discussion followed.

Marilyn O. said Tribes have a vested interest in protecting their elders and suggested the State and Tribes conduct separate checks with communication about the outcome before a provider is contracted.

Avreayl Jacobson announced the Traumatic Brain Injury / Returning Veterans Council has a tribal position not yet filled and asked for volunteers.

Jonette Reyes gave a prayer song for a Lower Elwha girl who lost her life.

Doug North announced the Administration for Children and Families (ACF) has an initiative on anti-human trafficking, including a statewide task group. One goal is to educate the public on the problem and how to identify and help victims. The task group would provide free training to the Tribes, which can be tailored to group needs, from thirty minutes to day long training.

### Tribal Healing and Wellness Conference – May 5-6, 2008

*Lisa R. Thomas, UW*

Lisa thanked the membership for their support and guidance. She hopes this is the first of many annual conferences on the health of Indian people. The conference is for Native people in Washington and people who serve them. There are still a few free slots available and there are some available for a nominal fee.

Some tribes were not represented at the ICW Summit, so they were called up to receive the blankets presented to Tribes at the Honoring Dinner.

### Social Security Disability

*Doug McSweyn, Region X, SSI*

Doug discussed income and resources that count or don't count for SSI purposes. SSI is currently about \$664/month, and there's an annual cost of living adjustment. People on SSI are allowed to have a home, an automobile, \$2000 per individual and \$3000 per couple.

There is a manual that tries to describe all the allowable resources for tribal members. Doug's office will come to tribal locations to provide training on the SSI process with the tribes. Doug welcomes calls at 206-615-2129. IPSS will help facilitate Tribes' requests for training.

### Economic Services Administration (ESA)

*Troy Hutson, Sarah Colleen Sotomish, Leo Ribas, David Stillman*

Sarah provided an update on Tribal TANF WAC development. The workgroup recently had its third meeting, with the next one scheduled June 24; they are looking for a site. The Lummi Tribe will host a meeting with tribes on May 12 to begin to outline the WAC language.

Rebecca Peck asked whether the rules would reduce tribes' flexibility to develop their Tribal TANF programs. Discussion followed about making one agreement fit all Tribes versus individual agreements with the Tribes. Colleen encouraged the Tribes, even those without Tribal TANF programs, to participate in Tribal TANF WAC development to ensure their future.

Squaxin Island Tribe's issues with the local CSO's are resolving. There was an agreement waiving the ADATSA interview, which neither the state nor the tribe can locate, but want to honor. Other tribes want the same agreement. Troy stated he would like to discuss this matter with staff. State staff clarified that current WAC allows CSOs to waive face to face interviews, in favor of phone interviews, under many circumstances.

ESA wants to work with Tribes to identify exempt income for Medicaid and food stamp eligibility and to clarify the rules for state staff. A workgroup may be convened for this.

A follow-up meeting on this issue has been scheduled for April 14; Sarah will bring research and a recommendation to that meeting.

The ACES/SEMS data sharing agreement with the Port Gamble S'Klallam Tribe is signed. Ted Thornton and Mike Mowrey are contacts for any other tribes that want to do the same.

There is a flyer in the packets on the September 23-25 Third Annual ACF Region X Tribal /State Child Support Conference.

Rosi Francis and Sarah are working to find a standard date for the ESA Subcommittee to meet.

Eligibility Pilot: Leo Ribas, CSD Director, said ESA continues to make progress in implementation planning for Medicaid and Basic Food eligibility determinations by the Port Gamble S'Klallam Tribe. The department has updated the state plan and responded to questions from CMS. ESA is developing the application for the food stamp project that is required by the U.S. Department of Agriculture's Food and Nutrition Services. Implementation may be delayed implementation as Congress continues deliberations over the Farm Bill. Currently, only state employees are allowed to administer food stamps and the current Farm Bill language prohibits any projects that would have non-state employees do food stamp eligibility. Troy and Leo went to Washington, DC and met with Congressional representatives to encourage a compromise that would allow the project to proceed. They continue to make system changes while awaiting CMS and Department of Agriculture approval.

#### Health and Recovery Services Administration Subcommittee (HRSA)

*Helen Fenrich, Deb Sosa, Todd Sletvett*

Todd met with Emmet Smith, CMS Director, in January to finalize the cost allocation plan. HRSA and the Tribes declined CMS' recommendation to change certain portions of the plan. CMS is now requiring certain changes; Todd said HRSA will comply. It will be up to the Tribes whether they choose to continue to participate. The change involves changing activity codes and adding monitoring. School districts will close their programs as of September because of the change. Todd's consultation with Mr. Smith resulted in changing three, rather than nine activity codes, which will be implemented evenly and fairly.

The three activity codes are for outreach (define where outreach occurs, clinic or community); eligibility determinations (add Medicaid eligibility determined outside the office); and code 9, referral, coordination and monitoring, adding 9C (in a client's home). Time study forms and worksheets will be used to gather the information. Lawrence asked what this would cost in time. Todd didn't think it would have large reimbursement impact.

Todd said the CMS consultation showed the true partnership between the State and Tribes. He thanked and acknowledged the staff involved.

Jennifer asked about the DASA about non-encounter rate, asking that HRSA work toward funding the State match.

The Mental Health Advisory Council is looking for a Tribal member. It meets regularly the second Tuesday of the month. They will review the 1115B Waiver (federal block grant) at the next meeting and want as many people present as possible. Helen requested anyone who is available to attend. Deb added when the block grant comes in, the funding will have to follow what was approved in that block grant, so it is important that the tribes are at the advisory table to identify their priorities.

The plan remains to designate a portion of the Mental Health Transformation Grant for the HRSA Tribal Gathering, which is tentatively planned for August. Tribes are urged to engage in the work of the MHTG project, providing input as to what changes will be made to the mental health resources and services for the tribes.

MHD has completed its second round of interviews for their Tribal Liaison position, and hope to hire by May 1.

Marilyn S. discussed the need for the appropriate people to attend the various workgroups taking place during the HRSA Subcommittee's designated meeting day. There is a question as to whether program staff or policy makers should attend. Colleen responded that most of those who attend the meetings are IPAC delegates, and that they had asked for the one day meeting rather than having to travel to meetings on separate days. Those who are not IPAC delegates were chosen by their Tribe.

Discussion followed. Liz suggested subcommittee co-chairs and IPSS staff let delegates on those subcommittees know when the agendas would cover program or policy issues so the right person could call in to the meetings.

#### Juvenile Rehabilitation Administration (JRA)

*Monica Reeves*

Monica reported that JRA wants to contract with any interested Tribes. Last year, JRA extended the CJAA contract to two years, so they are now offering a contract for the second half of the biennium, 2008-2009. She asked that delegates contact her at 360 902-8102 or [reevems@dshs.wa.gov](mailto:reevems@dshs.wa.gov) with any questions.

Tribes with current contracts might be able to apply for the under spent amount (\$9000). JRA will know the total amount when they see how many new contracts they develop.

June 9-10, JRA will sponsor a conference at Yakima Conference Center, which will cover a variety of evidence based programs:

- Dialectical Behavior Therapy (DBT)



- Aggression Replacement Training (ART)
- Functional Family Therapy (FFT)
- Victim/Offender Mediation (VOM)
- Multi-systemic Therapy (MST)
- Coordination of Services (COS)

JRA is recruiting to fill a diversity program position. This person would collaborate with tribes to reduce disproportional minority contact.

Marilyn S. asked if JRA had worked on funding for tribal contracts. Monica responded there was a specific discussion with the Director about requesting legislation for special funding. Part of reason for unspent funds is due to models the program needs to fit within. Tribes and the Division work together to develop a model that works in Indian country, rather than what fits within the box. The legislature mandates CJAA can only be used on named models and funding is awarded based on those models. JRA is able to incorporate cultural elements into the DBT to implement in a way that is still accepted by CJAA. Although JRA uses specific interventions, they are able to look at promising practices for ways that work with Tribes.

#### Legislative Subcommittee

*Jennifer LaPointe, Phillip Ambrose, III*

Phil announced June 9 is Yakama Nation Treaty Day so there will be related activities for those who go to the CJAA Conference.

The Legislative Subcommittee tracks bills that affect the Tribes, letting them know about developments. The next legislative session will be longer than this year's, and therefore, will have more activity. The Subcommittee will distribute information to the IPAC delegates, and will depend on the delegates to distribute the information to the appropriate tribal members, leaders, and legislative regulatory people in order to be timely and responsive. Jennifer invited others to join the committee, as she and Phil are its only current members.

A goal will be to track the priorities once placed into the budget process. Marilyn S. said development of legislation will need work on various levels related to the DASA match funding and encounter rate, suggesting many delegates will want to assist with the Legislative Subcommittee's work.

Liz said it might be time to restructure the committees since some of the delegates might want to work on multiple committees. Jennifer asked that Colleen's office contact the Divisions and let delegates know which committees have tribal seats, who's filling them and which ones are unfilled.

The meeting adjourned at 3:30.

The next IPAC meeting is July 10 at Little Creek in the Sa-Heh-Wa-Mish Room.